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March 17, 2022

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: United States v. Haxhaj, et al.
21-CR-017 (KPF)

Dear Judge Failla:

On behalf of Drilon Haxhaj, a defendant in the above-captioned case, I respectfully write to request a three-week extension of the March 21, 2022, pretrial motion deadline. I make this request on Mr. Haxhaj's behalf after discussions with him and in order to facilitate ongoing plea negotiations with the Government concerning a potential resolution of Mr. Haxhaj's case.

I was appointed to represent Mr. Haxhaj in November of 2021. Shortly after my appointment, due to the Omicron surge, it became impossible to visit Mr. Haxhaj in person and despite best efforts to organize video conferences with him, it was difficult to assure him of the confidentiality of any shared information or to establish an attorney-client relationship that would enable serious discussions about his case. Last week, for the first time since the facility reopened, I was able to visit Mr. Haxhaj in person. We began to discuss a possible resolution and motions to be filed. I reached out promptly to the Government and we have begun a dialogue. I expect to visit Mr. Haxhaj again on Monday, March 21, 2022, to continue our discussion. In the meantime, I received a call from Mr. Haxhaj, asking me to adjourn the motion date so that he could continue his law library research in support of his defense. Because no trial date has yet

been set, although the docket indicates that the Court was considering a December 2022 trial, I respectfully suggest that no prejudice to any party would arise from a three-week adjournment of the motion schedule.

I have reached out to defense counsel for Mr. Haxhaj's co-defendants to ascertain their positions before filing this motion. Counsel for Jeremy Cedeno, Boris Beltran, and Francisco Ortega join the motion. Counsel for Ivis Perdomo joins the motion and notes that has been (and still is) on trial since March 2. Counsel for Yeltsin Beltran has no objection to the extension request and notes that he has only very recently been appointed to the case and is still in the process of reviewing discovery. I have not received a response from counsel for Shpendim Haxhaj.

The Government opposes the adjournment request.

If the Court grants this request, I would respectfully suggest the following filing schedule, to be followed by a motion hearing at the Court's convenience:

- April 11, 2022 defense motions due
- May 9, 2022 opposition
- May 23, 2022 replies

Thank you for your consideration of this request and for continued courtesies to counsel.

Respectfully,

/s/

Richard H. Rosenberg, Esq.

Cc: All counsel (by ECF)

Defendants' application for an extension of the motion briefing schedule is GRANTED. The Court acknowledges that the Government opposes this request. However, the Court is aware that the lockdowns precipitated by the recent surge in Omicron cases constituted a significant hurdle to attorneys representing incarcerated clients. The Court therefore adopts Mr. Rosenberg's proposed briefing schedule. Defense motions shall be due **April 11, 2022**. The Government's opposition shall be due **May 9, 2022**. Reply briefs shall be due **May 23, 2022**.

The motion hearing currently scheduled for May 25, 2022, is hereby ADJOURNED to **June 23, 2022, at 3:30 p.m.**

It is further ORDERED that time is excluded under the Speedy Trial Act between March 17, 2022, and June 23, 2022. See 18 U.S.C. § 3161(h)(1)(D) (excluding any period of "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion").

The Clerk of Court is directed to terminate the pending motion at docket number 86.

Dated: March 17, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE